

1                                   A bill to be entitled  
 2           An act relating to a review under the Open Government  
 3           Sunset Review Act; amending s. 1005.38, F.S., relating  
 4           to exemptions from public record and public meeting  
 5           requirements for investigatory records held by and  
 6           portions of meetings conducted by the Commission for  
 7           Independent Education in disciplinary proceedings;  
 8           removing the scheduled repeal of the exemptions;  
 9           providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13           Section 1. Paragraph (b) of subsection (6) of section  
 14           1005.38, Florida Statutes, is amended to read:

15           1005.38 Actions against a licensee and other penalties.—

16           (6) The commission may conduct disciplinary proceedings  
 17           through an investigation of any suspected violation of this  
 18           chapter or any rule of the commission, including a finding of  
 19           probable cause and making reports to any law enforcement agency  
 20           or regulatory agency.

21           (b)1. All investigatory records held by the commission in  
 22           conjunction with an investigation conducted pursuant to this  
 23           subsection are exempt from s. 119.07(1) and s. 24(a), Art. I of  
 24           the State Constitution for a period not to exceed 10 days after  
 25           the panel makes a determination regarding probable cause.

26           2.a. Those portions of meetings of the probable cause

27 | panel at which records made exempt pursuant to subparagraph 1.  
 28 | are discussed are exempt from s. 286.011 and s. 24(b), Art. I of  
 29 | the State Constitution. The closed portion of a meeting must be  
 30 | recorded and no portion of the closed meeting may be off the  
 31 | record. The recording shall be maintained by the commission.

32 |       b. The recording of a closed portion of a meeting and the  
 33 | minutes and findings of such meeting are exempt from s.  
 34 | 119.07(1) and s. 24(a), Art. I of the State Constitution for a  
 35 | period not to exceed 10 days after the panel makes a  
 36 | determination regarding probable cause.

37 |       ~~3. This paragraph is subject to the Open Government Sunset~~  
 38 | ~~Review Act in accordance with s. 119.15 and shall stand repealed~~  
 39 | ~~on October 2, 2015, unless reviewed and saved from repeal~~  
 40 | ~~through reenactment by the Legislature.~~

41 |       Section 2. This act shall take effect October 1, 2015.